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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

THE PEOPLE,

Plaintiff and Respondent,

v.

ERIC EUGENE OBARA,

Defendant and Appellant.

E049566

(Super.Ct.No. FVA900165)

OPINION

APPEAL from the Superior Court of San Bernardino County. Ingrid Adamson  
Uhler, Judge. Affirmed.

Victoria Matthews, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance for Plaintiff and Respondent.

# I

## INTRODUCTION

On April 4, 2009, defendant and appellant Eric Eugene Obera was charged by information with one count of possession of a firearm by a felon under Penal Code<sup>1</sup> section 12021, subdivision (a)(1). The information also alleged that the offense was committed for the benefit of a criminal street gang with the specific intent to promote, further, or assist in criminal conduct by gang members under section 186.22, subdivision (b)(1)(A). The information further alleged that defendant had suffered two prison priors within the meaning of section 667.5, subdivision (b).

On October 22, 2009, defendant pled guilty to count 1 and admitted the gang allegation in exchange for a sentence of three years four months in state prison. Defendant requested immediate sentencing. The trial court sentenced defendant pursuant to the terms of the plea agreement: The court imposed the lower term of one year four months as to count 1, plus a consecutive term of two years for the gang allegation. Defendant waived his right to an appeal, and the remaining allegations were dismissed pursuant to the terms of the plea agreement.

On November 2, 2009, defendant filed a notice of appeal from the guilty plea based on the sentence or other matters occurring after the plea. Defendant did not request a certificate of probable cause.

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<sup>1</sup> All statutory references are to the Penal Code unless otherwise specified.

## II

### STATEMENT OF FACTS<sup>2</sup>

On January 22, 2009, Rialto Police Department's Street Crime Attack Team Detective Robert Williams found a shotgun under a mattress in a bedroom defendant shared with his girlfriend.

After defendant was in custody, he waived his rights under *Miranda v. Arizona* (1966) 384 U.S. 436. Defendant told Detective Williams that the shotgun belonged to him; defendant kept the gun for protection. Defendant also stated that he was a member of a San Bernardino street gang known as the Delman Heights Bloods.

Detective Williams testified that the Delman Heights Bloods' primary activities are theft, attempted murder, assaults, robbery, weapons violations, and narcotics sales. The detective opined that defendant is an active member of the gang, that he possessed the firearm for the benefit of the gang, and that the offense showed defendant's commitment to the gang.

During the preliminary hearing, the prosecution introduced evidence that defendant had suffered at least one prior felony conviction.

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<sup>2</sup> Since defendant pled guilty, the statement of facts is derived from the preliminary hearing.

### III

#### ANALYSIS

After defendant appealed, and upon his request, this court appointed counsel to represent him. Counsel has filed a brief under the authority of *People v. Wende* (1979) 25 Cal.3d 436, and *Anders v. California* (1967) 386 U.S. 738 setting forth a statement of the case, a summary of the facts, and potential arguable issues, and requesting this court to undertake a review of the entire record.

We offered defendant an opportunity to file a personal supplemental brief, but he has not done so. Pursuant to the mandate of *People v. Kelly* (2006) 40 Cal.4th 106, we have conducted an independent review of the record and find no arguable issues.

### IV

#### DISPOSITION

The judgment is affirmed.

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/s/ McKinster  
J.

We concur:

/s/ Hollenhorst  
Acting P.J.  
/s/ Miller  
J.